

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Chris Harold Cave,
5 Plaintiff

6 v.

7 Clark County's Commission's Board Inc.,
8 Defendant

2:17-cv-00962-JAD-CWH

Order Denying Ex Parte Emergency
Motion for Preliminary Injunction

[ECF No. 3]

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10 Pro se plaintiff Chris Cave has filed a sealed "complaint and request for emergency
11 temporary whistleblower protection injunction" and an emergency motion for preliminary injunction.
12 He appears to request "sanctuary protection" while he investigates the Clark County Board of
13 Commissioners for RICO violations. Because Cave has not pleaded any plausible claim, much less
14 shown serious questions going to its merits, I deny the motion.

15 The legal standard for issuing a temporary restraining order and the legal standard for
16 preliminary injunctive relief are "substantially identical."¹ In *Winter v. Natural Resources Defense*
17 *Council, Inc.*, the Supreme Court clarified that the standards "require[] a party to demonstrate 'that
18 he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of
19 preliminary relief, that the balance of equities tips in his favor, and that [a temporary restraining
20 order] is in the public interest.'"² "[I]f a plaintiff can only show that there are 'serious questions
21 going to the merits'—a lesser showing than likelihood of success on the merits—then a preliminary
22 injunction may still issue if the 'balance of hardships tips *sharply* in the plaintiff's favor,' and the

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26 ¹ See *Stuhlberg Intern. Sales Co. v. John D. Brush and Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
(stating that the "analysis is substantially identical for the injunction and the TRO").

27 ² *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (quoting *Winter v. Natural Res. Def.*
28 *Council, Inc.*, 555 U.S. 7, 20 (2008)).

1 other two *Winter* factors are satisfied.”³

2 Cave does not explicitly plead any claims, and I am unable to tell from his rambling, wholly
3 nonsensical allegations what claims, if any, he is attempting to assert. For example, Cave alleges
4 that the Board has applied its “‘Sword of Damocles’ like imminent danger to likely life-ending
5 potentialities, emanating from egregious nature of [the Board’s] multi-bad-faith-malicious tactical
6 polyfurcated brinkmanship legal assaults, via [the Board] setting loose their: subject to panoply of
7 Directors Agents Associates and Representations to cover-up horrific vex.”⁴ The motion for
8 preliminary injunction does not shed any light on Cave’s claims or the purpose of this lawsuit. In it,
9 he generally challenges this court’s jurisdiction and argues that it is a “mere territorial court.”⁵
10 Because Cave fails to plead any claim, let alone show serious questions going to its merits, and he
11 has not identified any irreparable harm that he is likely to suffer in the absence of injunctive relief, I
12 deny the motion.⁶

13 Conclusion

14 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Cave’s
15 emergency motion for a preliminary injunction [ECF No. 3] is **DENIED**.

16 Dated this 12th day of April, 2017.

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18 Jennifer A. Dorsey
19 United States District Judge
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23 ³ *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013) (quoting with
24 emphasis *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)).

25 ⁴ ECF No. 1-1 at 3.

26 ⁵ See ECF No. 3.

27 ⁶ Cave also has not satisfied the additional requirements for obtaining preliminary injunctive relief
28 without written or oral notice. See FED. R. CIV. PROC. 65(b)(1).